

**JOINT LEGAL & LEGISLATIVE/ECONOMIC DEVELOPMENT**  
**COMMITTEES**  
**October 4, 2000**  
**4:00 P.M.**

The joint meeting of the Legal & Legislative and Economic Development Committees was called to order by Councilman Crockett, Chairman of the Legal & Legislative Committee, with Councilpersons Hurley, Rutherford, Hakeem, Franklin, Eaves, and Taylor present. Councilman Lively joined the meeting later. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Barry Bennett, Jerry Pace, Karen Rhodes, Christian Rushing, Candace McRae-Walsh, Kenardo Currey, and Jeff Pfitzer.

**ALTON PARK COMMUNITY MASTERPLAN**

Chairman Crockett noted that this was a Special Joint meeting to hear plans prepared by the Planning Staff and reviewed by the Planning Commission. He acknowledged the presence of **Sue Shaw**, Chairman of the Planning Commission. He noted that the committee had three proposals to look at this afternoon and stated that we would begin with Alton Park, then go to the Bushtown Neighborhood Plan, and finally the Shallowford Road/Gunbarrel Road Zoning Study.

Chairman Crockett went over the format for the evening, stating that the Planning Staff would first make a presentation, followed by comments from the Planning Commission or the Councilmembers and then he would allow those in the audience who wished to express an opinion to speak as this was a public hearing. He stated that we would not be following the usual format of a Council meeting where only three people are allowed to speak as this was a Public Hearing and all would be given an opportunity to speak. He asked that the speakers be brief so that all who wish to be heard can do so, and he asked that each speaker come to the microphone and identify themselves for the public record.

**Karen Rhodes** of the Planning Staff made the Alton Park presentation, noting that **Candace McRae-Walsh** had also worked closely on this. She stated that they had gone through the charrette process, and the Plan was now before the Council. She referred to a Planning Map, noting that several community meetings had been held and the concern had been expressed that there were parts in the Planning Document that did not involve the people. She explained that they were Planners and did look at the land, but tonight she would attempt to look at people-oriented issues as opposed to the map.

Ms. Rhodes stated that the Plan was divided into four sections—History, Demographics, Land Use, and Zoning. She mentioned increased growth in the area and affordable housing. She went over the Recreation Format and touched on Transportation. She also went over the Housing component. She directed attention to the areas in “yellow” on the map and in looking at housing mentioned that you could have open-space land and houses in a particular area, assembling properties for a residential district. She explained that the consultant was trying to “knit” the community back together; that once there had been incentives for industrial development, which had separated the neighborhood and now they were trying to “knit” it back together and increase housing and separate it from industrial and cut back on the industry and put housing back into the area. She explained that they were encouraging single-family home ownership, and a fund would be established for the rehabilitation process and loans would be available for existing residents to develop their housing needs. She emphasized that an Economic Development Strategy Program was needed in the area with sidewalks on 38<sup>th</sup> Street and Alton Park Blvd. She mentioned the planting of trees and underground utilities. She went on to talk about the 38<sup>th</sup> Street Façade Program and storefronts.

Ms. Rhodes stated that in looking at the area we had three distinct centers—Anchor Glass property; Alton Park Blvd.; and moving on to the Recreational Component. She mentioned that they were trying to coincide with the Parks and Recreation 2008 Program. She mentioned the ball fields behind the Franklin Middle School.

Ms. Rhodes stated that they were looking at extending Safewalk with tree-lined streets and investing in “Rails to Trails”, a program intended to get rails back into service. She went on to say that Transportation included upgrading existing sidewalks and working with CARTA on routes and times and resurfacing and improving roads in the community.

Ms. Rhodes stated that the main thing that came from the charrette was the extension of Central Avenue; that now the community only had the Rossville Blvd. area when they had specific needs to get to other places such as Erlanger, and the extension of Central Ave. would help in alleviating this problem. She mentioned that there were lots of trucks, and they were looking at a Truck Route and limit the trucks on the roads in the neighborhood.

Ms. Rhodes went on to say that they were trying to make the Alton Park area identifiable by everyone and proposed to put up gateways and a centerpiece in the community; that through the visibility of police in the area, they could eliminate crime and drugs.

She extended her remarks to Land Use and Code Enforcement, noting that at some point areas zoned R-3 might need to be downzoned to a lesser residential zone district; that some areas zoned industrial were being used for residential and might need to be downzoned.

At this point Chairman Crockett asked for questions from the Councilmembers.

Councilwoman Rutherford asked how this Plan fitted into the Hope VI Grant. **Ms. Walsh** responded that it should be how does the Hope VI Plan fit into the Alton Park Plan; that it is a major Plan and Hope VI is a major piece in it. She explained that the first major component was to work on the Hope VI Plan—that the two plans were involved with the same projects.

Councilman Taylor asked about the downzoning and if there was any strong recommendation from Planning to consider a particular area first. Ms. Rhodes responded that they would need to get with the neighborhood on particular areas; that Piney Woods has basically single-family and needs to be downzoned; that there would be other areas to look at; that they needed to study this further before making any recommendations. Councilman Taylor added that he thought this had been a total community effort involving Alton Park and all of the stakeholders in participation; that this was no longer a City Hall Plan but was now an Alton Park Community Plan.

Ms. Walsh emphasized that this was a long-range, on-going Plan and would require some “tinkering” along the way; that she thought it was important to stress that voices would always be heard, and the community could always have input.

Councilman Hakeem stated that he would like to pose a question either to Hope VI or the Neighborhood Plan; that this was something that had been shared with him at the “street” level; that someone was telling business people that they would be able to borrow money to fix up their businesses, and if they stayed 4-5 years they would not have to pay it back. He stated that if this were true, they needed to know or if it was false it did not need to be spread any further.

Ms. Walsh responded that this was such a new thing and a lot of people were filled with exuberance, and there were opportunities to be had; that some were looking for a “gravy train”, but she would caution anybody at this stage of the game; that we need to know where we are going before we make any concrete promises.

Ms. Rhodes added that this is a Plan of Action, and they would be looking into different strategies for implementation; that the Façade Program was coming out of Community Development; that there was the possibility of a certain amount of money, but it would be a reimbursement-type activity and not a “forgivable loan”; that people would have to put out money first and then it would be reimbursed to them; that this was the only Program she knew about.

Councilman Hakeem stated that it was not a City employee telling this; that he would find out if it was the Façade Program or something else and would get back with Planning on this.

Councilman Franklin posed a question as to whether there was any further development on the Truck Route for heavy industry. Ms. Walsh responded that they were still working on this; that it was something they were trying to get residents comfortable with; that there was an influx, and it might change.

Chairman Crockett stated he would like to trace again what was said about the Central Ave. proposal. Ms. Walsh responded that trucks were coming up and going into the community to get back to the Interstate; that the idea was to stop them from doing this; that trucks would go up Central Ave. up to the newly constructed route. Chairman Crockett asked how the residents felt about this.

Councilman Taylor responded that trucks go through their residential neighborhoods and this would alleviate truckers going through neighborhoods with kids on the backs of flat beds; that presently they were going through neighborhoods, and there were problems with this. Chairman Crockett asked if the residents liked this Plan. Ms. Walsh responded that they were getting comfortable with it, but there was a level of confusion; that another issue was that the Railroad Bridge is low and trucks can't get through it; that to have this proposed route would help these industries. Chairman Crockett ascertained that this was "evolving" and not "set in stone". Ms. Walsh added that they were trying to "sell" people on this.

Chairman Crockett asked about the train linkage. Ms. Walsh indicated that she knew nothing about any "train". Councilman Taylor explained that this was a proposal to attract entertainment and recreational uses of the unused rails.

Chairman Crockett noted that this had been reviewed by the Planning Commission and asked what steps the Council was being asked to take. Ms. Walsh responded that they were asking the Council to adopt this and make it a Policy as the official roadmap for Alton Park.

Attorney Nelson explained that there would be a Resolution on the Agenda of the October 10<sup>th</sup> meeting regarding this; that this Resolution would express the Council's general view.

Chairman Crockett asked if the committee wished to take this matter to the Council and vote on it; that the purpose of this meeting was informational and to see if there were additional questions or work to be done; that it could go forward with or without a recommendation from this committee.

Councilman Taylor recommended that the committee accept the working Plan. Attorney Nelson explained that the Resolution would accomplish this. Chairman Crockett noted that this would be on the agenda for next Tuesday night. At this point he gave anyone in the audience who wished to speak an opportunity.

**Sister Bey** came forward and stated there were things they would like to know; that she had not heard any talk about Bushtown; that people were reluctant and don't know where the money is going.

Chairman Crockett stated that he had asked for comments on Alton Park; that Bushtown was the next issue to be discussed. He then stated that this issue would go to the Council, and he thanked the Planning Staff for putting this together, noting that it was a great piece of work.

### **BUSHTOWN NEIGHBORHOOD PLAN**

**Mr. Christian Rushing** of the Planning Staff gave this presentation. He stated that this was a year long piece of work between the City and the Community Impact Fund. He noted that this area is one that is bounded by Orchard Knob Avenue on the east, McCallie Ave. on the South, Norfolk/Southern Railroad tracks on the west and Citico Yards and Citico Creek on the north. It also includes Hawthorne, Hickory and Holly Streets. He noted that the Planning Process was broken down into three phases and was finished in August of this year. He highlighted Residential Improvement, Rehabilitation, and Code Enforcement. He noted that there were numerous short-term possibilities and opportunities for a public entrance such as a gateway and also public art; that zoning was in compliance with the Vision Plan.

Councilman Hakeem stated that he needed some clarity on what is being proposed for the Citico Project. Mr. Rushing responded that there was nothing specifically. Councilman Hakeem asked for a point of clarity if there were any dollars attached to this Plan. Mr. Rushing responded that it was an illustrative roadmap; that it was a Plan of Implementation and a rough estimate of cost and time-frame. Councilman Hakeem asked about the Neighborhood Association response. Mr. Rushing responded that it was absolutely positive. Councilman Hakeem suggested that this go to Council with a recommendation.

Chairman Crockett asked if there were any other questions from the Councilmembers or from the audience.

**Sister Bey** again addressed the committee and apologized for coming up at the wrong time previously. She stated that they were concerned and were tired of folks; that they had been told they would fix their apartments on Citico; that she had talked to the Secretary of HUD; that they were tearing down houses and Mrs. Clark wanted rehabilitation; that the point was, they were skeptical; that she was not going to “beat around the bush”; that she had gone to a County School Board meeting, and they were going to take a closer look; that they did not know where the money was going—that there was no money to beautify the neighborhood, and they were skeptical of this behavior.

Chairman Crockett stated that this issue would go to the Council meeting on Tuesday for a vote. He applauded the great participation and turn-out of the neighborhood and thanked the neighborhood.

### **SHALLOWFORD ROAD/GUNBARREL ROAD ZONING STUDY**

**Mr. Barry Bennett**, Director of Planning, made the presentation. He stated that he would be using power points. He began by saying that the Planning Staff was charged with taking another look at the area of East Brainerd near Hamilton Place, bounded by Shallowford Road on the south, Gunbarrel Road on the east, Interstate 75 on the west, and Standifer Gap Rd. on the north.

Mr. Bennett stated that the Planning Agency had been trying to come up with a Zoning Plan for this area to reach a compromise and determine the feasibility of expanding non-low density north of Shallowford Road; that they had considered the pressure brought to bear on property owners on Shallowford Road and extending back to McCutcheon Road; that there had been pressures from traffic; that another consideration would be the impact of extending non-low density on residents of the neighborhood on Gunbarrel and Shallowford; that some wanted to maintain the residential integrity and continue to live in this neighborhood without too much commercial encroachment.

Mr. Bennett stated that there were a number of alternative proposals that their office had worked on in conjunction with Traffic Engineering that they felt were workable for this area and would allow expansion north of Shallowford Rd. of non-low density. He noted that there was some commercial district thrown into the mix. He stated that these proposals represent what they felt were the maximum considerations for zoning taking into consideration the amount of traffic and the impact on the residential neighborhood east of Gunbarrel Rd. He stated that they were attempting to offer some avenue for people wanting to sell their houses and move out of the area and provide opportunity for marketing of this property. He stated that there was a market for offices.

Mr. Bennett proceeded to begin with **Zoning Alternative A**, showing a map of the Current Zoning Policy as it relates to this Alternative. He noted that Alternative A offers lower intensity office zone and the rest of the area would be primarily Single-Family lower density.

**Zoning Alternative B** shows an expansion of the Office Zoning several hundred feet off McCutcheon Rd. and RT-Z Zone beyond this point. Mr. Bennett noted that traffic generated from RT-Z is very similar to that generated by a Single-Family Subdivision; that R-1 Zone generates about 10 trips per day and RT-Z Zone generates about 5.5 trips per day; that this is acre by acre and unit by unit; that the traffic generated is close. He noted that Alternative B is essentially the same as Alternative A, with the exception that the RT-Z Zone goes north to Standifer Gap Rd. and under Alternative A the R-1 Zone covers most of that property. He reiterated that the traffic generated is negligible. He stated that in both of these Alternative there is a 100 ft. R-1 buffer extending west of Gunbarrel Rd. to provide additional protection. He stated that they felt certain conditions in a buffer area need to be imposed when you have office or commercial zones. He stated that again the idea is to protect the residential integrity of the community on the east side of Gunbarrel Rd.

Mr. Bennett next discussed **Zoning Alternative C** allowing commercial development and C-4 as the recommended zone as opposed to C-2. He explained that all of Hamilton Place is zoned C-4 as opposed to Northgate being C-2; that the property on the west side of Napier Rd. where the Knife Museum is located is included. He explained that it includes the area that was previously considered by the Council under M-C Properties and the New Hope Church and includes additional property on the east side and takes the first couple of blocks north of Shallowford on Timberlane Trail. Mr. Bennett added that a number of conditions were being recommended including a single-access point at the mid-point between Napier and Gunbarrel. He stated that the idea was not to allow individual commercial curb-cuts with the majority of the traffic being routed to Shallowford Rd. and not Gunbarrel Rd. He added that another condition was to encourage consolidation of property and single-family development and to control land uses and access. He stated that the buffer would discourage piecemeal and encourage consolidation of property; that you would still be able to access as long as there were single-family homes; that the commercially zoned property would have only a single access.

Mr. Bennett stated that the difference in Alternative C and Alternative D was the same as the difference between Alternative A and Alternative B, which was the contour of the RT-Z Zone. He reiterated that the traffic generated between Alternative A and B was negligible; that between the current Zoning Policy and Alternative A and B, the traffic doubles and between A and B and C and D, the traffic doubles again.

**Zoning Alternative E** includes overall commercial development for the entire area, which the Phoenix Property asked for.

Mr. Bennett stated that they met with representatives of the neighborhood from both sides and reviewed the proposals for all of this area; that based on Traffic Engineering figures, they found a doubling of traffic for Alternative E, including an additional 43,000 trips a day versus 21,000 trips for Alternative A and B.

Chairman Crockett asked about the traffic generated by Alternative A and B. Mr. Bennett responded that the proposals with commercial development have lower traffic during peak hours; that there is more traffic from residential areas during peak hours; that the total daily trips under the current zoning is 6,033 trips per day; under Alternative A and B it would be 12,187 trips and under Office Zone, 12,781 trips per day; that Alternative C is larger at 21,043 trips per day; Alternative D at 21,637 and Alternative E, which is commercial, would be 43,394 trips per day. He stated that this was the overall impact; that the current zoning generates the least amount of traffic.

Mr. Bennett went on to say that they considered Alternatives A, B, C & D as maximum for this area; that this allows a reasonable expansion of commercial across Shallowford Rd., which is appropriate. He stated that they felt basic Planning principles along Gunbarrel Rd. and Jarnigan was that reasonably they should have like or similar uses as other major streets; that this would be transitional zoning from Commercial to R-1. He stated that these Plans would be workable and have minimal impact on Gunbarrel Rd. Mr. Bennett stated that they felt the Alternative for total consideration of C-4 was inappropriate and not just because of the amount of traffic generated; that they had considered an Interstate Route north to Standifer Gap Rd., but the State was not interested at all in a new interchange. He stated that there was no way the State would consider this. He stated that this would certainly help, but it was not to be.

Mr. Bennett stated that the main point in regards to total commercialization was that they were not just looking at traffic and were in the process of doing an overall Study of the entire perimeter around Hamilton Place to determine where the reasonable stopping points would be; that they would like to be able to give to the Council something to serve as a guide to follow and also something for developers to follow and people who live here would know what to expect. He stated that we need something to be able to follow for the future of this area. Mr. Bennett mentioned another proposal "waiting in the wings" involving 40 acres east of this area for commercial zoning, stating that they did not know what they would recommend; that they would be looking in all four directions as soon as CBL completes their development. He noted we would reach a saturation point as there was only so much development and traffic this area could stand. He noted that it was overburdened and infrastructure is a problem.

Mr. Bennett stated that these streets were never intended as major commercial thoroughfares, and the infrastructure has not changed; that the roads will be improved in the future but not to the extent that they can handle “unbridled” commercialization of this area. He noted that there was room for commercial/office zones and higher density residential and a Plan for the entire community for a compromise between new developers and protecting the interest of people with residential property. He stated they were trying to find the compromise. He stated that the Staff felt this should be done in conjunction with the entire Study. He noted that Alternatives C and D expand commercial, which they felt was the most this area could accommodate. He stated that they looked at all of these alternatives in consideration of the neighborhood and what the overall impact would be.

Councilwoman Rutherford stated that she had three questions. The first question involved the difference between C-4 and C-2 Zoning. Mr. Bennett responded that they basically allowed the same type of uses; that C-4 was more extensive, allowing such things as motels; that the main thing was that C-4 was planned. Councilwoman Rutherford’s second question concerned signage in the C-4 Zone. Mr. Bennett responded it would just follow the conditions in the Sign Ordinance. Thirdly, Councilwoman Rutherford stated that one of the neighborhoods preferred RT-Z Zone over R-1. She asked if RT-Z was less likely to come back and ask for commercial zoning than R-1. Mr. Bennett answered that RT-Z was preferable because the traffic generated was negligible; that RT-Z came with a greater latitude to market the property. He stated they had no problem with RT-Z.

Councilman Hakeem asked as a point of clarification why would we consider one of the Plans as opposed to looking at the Overall Plan. Mr. Bennett responded that that would be the Council’s prerogative; that these alternatives came as a result of a prior Resolution; that the Council asked them to look at this; that the Overall Study came later; that this came before them first and was properly advertised and was before the Council at this time; that it was the Council’s prerogative to consider these alternatives or defer it to be considered as part of the Overall Study; that if action is taken on C or D, it needs to be approved by the Council, and the Overall Study would have to take that much out of the “mix”. Councilman Hakeem asked Mr. Bennett if it was the Staff’s recommendation to choose one of these alternatives or consider it with the Overall Study. Mr. Bennett responded that it would impact the whole area, and they would prefer to look at everything together.

Councilwoman Hurley confirmed that the Planning Commission recommended this be deferred until the whole Study is complete. Mr. Bennett confirmed that they recommended that the area be considered as a whole. Councilwoman Hurley noted that we had various descriptions and questioned whether the Staff thought commercial development would be a compatible use; that in the past the Staff had recommended that it was not compatible, and she asked if this was a change. Mr. Bennett responded that the primary difference was a legal consideration; that he had discussed this with Attorney Nelson's staff, and they advised recommending a zoning change as opposed to putting a Policy in place as it put us in a stronger legal position. Councilwoman Hurley continued to ask what was the Planning Policy as regards to commercial on the other side of Shallowford.

Councilman Hakeem stated that his next question was not in regards to Mr. Bennett's character nor the Staff's character; that he just wanted to come to a conclusion, and he asked that Mr. Bennett not take his remarks personally. He noted that we were talking about a compromise on the north side of Shallowford Road. He asked where this concept came from; that we had had a cut-off point on Shallowford and now he was hearing "compromise" in order to make it easier for people to market their homes. He questioned if this was the Planning Staff's role. He asked the reason and logic for the need for a compromise.

Mr. Bennett responded that there was no commercial previously because of the likelihood that once they rezoned anything, the next person could ask for the same thing, and there would be a domino effect; that because of a legal case, if we come in with a definite Plan that would be made available to people to market their property, we will have a much stronger standpoint legally; that in reaching a compromise, we were trying to look at the possibility of some reasonable expansion that would be appropriate for this area; that some people were wanting to move out of the neighborhood.

Councilman Hakeem still asked if that was Planning's role. Mr. Bennett responded that there were two issues—(1) People who want to move out and (2) People who want to stay. Councilman Hakeem asked if pressure were applied to the Planning Staff would they come up with a compromise as opposed to the best land use? Mr. Bennett contended that they considered what was the appropriate land use and still be able to protect the integrity of the neighborhood; that they had not reached a compromise. Councilman Hakeem asked if Mr. Bennett had not used the word "compromise"—that they were changing the cut-off point on Shallowford Rd., and he heard the word "compromise". Mr. Bennett explained that in using the word "compromise", they were trying to achieve zoning that would work, and zoning they thought would be appropriate and that everyone could live with.

Councilman Hakeem stated that we had been dealing with this for four to five years and questioned what the difference was now other than the legal ramification. He still questioned why Planning felt they needed to bring a recommendation of a compromise. Mr. Bennett responded that the Planning Staff and Traffic Engineering thought this was reasonable from a traffic standpoint; that there was nothing that would negatively impact the neighborhood that they were trying to protect; that higher density and commercial was essentially the way they were looking at it before; that five years ago they would not have recommended this because the legal ramifications were not present at that time.

Chairman Crockett noted that there were five scenarios that were different from the current zoning policy. He asked if any of these come with a recommendation from the Staff. Mr. Bennett responded that all of these were workable, but they were not recommending just a single one of them. Chairman Crockett confirmed that they came without a single recommendation.

Councilwoman Hurley stated that we had the same legal boundary now and questioned why the Council had denied the other two requests. Mr. Bennett added that they had been working in conjunction with Traffic Engineering. Councilwoman Hurley asked Mr. Bennett to confirm that we do have a boundary now, which he confirmed.

Councilman Taylor asked Mr. Bennett if he was recommending that commercial can go on the other side of Shallowford Rd. Mr. Bennett responded some limited commercial with controlled access and without a negative impact. Councilman Taylor asked about commercial at Gunbarrel. Mr. Bennett responded that they wanted to prohibit it at Gunbarrel; that they felt limiting the depth was appropriate; that looking at the numbers, Traffic Engineering felt this was the maximum they could handle.

Councilman Eaves stated that he would like to put some perspective on this; that there were lots of zoning cases in this area, and the Planning Staff felt that if individual cases were granted, there would be a domino effect; that there had been one on the west side of Gunbarrel Rd. recently; that signs were “springing” up; that he had asked the Council to ask Planning to study this as he did not know what was right; that they gave us an overall design for the west side of Gunbarrel Rd.; that there was some commercial that “feathered” out to RT-Z; that pressure was going on on this side and people were calling and calling him; that he had asked the Council to give us a Plan, that came from Planning—who were knowledgeable on these kind of things—for this north side, and they had come back with these Plans; that when you put a Plan in place, every Realtor will know what is allowed in this area; that Realtors had been promising people that they could get them all kinds of money for their property and really raising a “ruckus”; that when Bond Terrace became commercial it became an impossible place to live; that he had asked the Council to bring a Plan from knowledgeable people and do something about this so that everyone will know what the zoning is and Realtors will know what they can and cannot do. He stated that he did not have a crystal ball; that pressure was

being applied on the east side and signs were going up and blocks of people were putting up signs. He stated that he would like to submit to those present that he was not “all-knowing”; that given areas have different scenarios; that nothing when this Plan goes through will affect the Overall Plan. He stated that his phone rang a lot, and he realized that he asked for this job! He stated that now that we had a Plan, he had picked one of these plans, and he had picked Plan C because it has a little bit of something for everybody; that it has commercial and also some RT-Z and is “feathered” out to protect the residential areas that surround this area; that you give some commercial zone and some RT-Z and “feather” it out and protect the residential areas. He stated that he did not know how you could be any more fair than this and that was why he had picked Plan C; that it would allow some commercial and then feather out (like we did on Gunbarrel and other zoning areas in the City). He noted that there was a church here—that there was also a church on Highway 153 that was swallowed up by a large area, and there were no problems there! It just happened! It was fine there and questioned why not here?

Mr. Eaves went on to say that all understand areas have to be studied by someone from Planning; that he did not claim to know what is exactly best, but Plan C gives a little bit of everything to all and protects the surrounding neighborhoods; that he would like to see the same thing take place as on the east side; that we “feather” this out and protect the residential neighborhoods; that he did not know how we could be much fairer than this.

Councilman Hakeem asked as a point of clarification if it was the understanding that the Council had asked that a Plan of Rezoning be brought back to them on this case. Attorney Nelson responded that the Council asked the Planning Commission to come up with an Area Study; that the situation is complicated by the fact that there are two rezonings in this area at the same time, which he was not aware of; that whatever action the Council takes regarding the Study will have an impact on these rezonings; that the Council did ask the Planning Commission to do the Study.

Councilman Hakeem asked if the Council was required to select one of these five Plans. Attorney Nelson responded “No”.

Councilman Hakeem asked Mr. Bennett if when this was presented to him, was it his understanding that we wanted to move the line north of Shallowford Rd. Mr. Bennett responded that the Council was requesting a Study to determine whether the “line” should be moved and a Policy developed; that they were told that it would be a more defensible plan if the area was rezoned rather than adopting a Policy as rezonings could impose conditions that you could not impose with a Policy. Councilman Hakeem continued to ask if the Council asked to “bring us a Plan of Rezoning” with no alternative of a Policy. Mr. Bennett responded that it could be adopted as Policy rather than Rezoning but rezoning imposed conditions.

Councilman Taylor asked when the current Zoning Policy was initiated. The answer was 1990.

Councilman Lively stated that it remained to be seen whether the Council would take any action; that zoning requests for north of Shallowford Rd. would not go away; that it was true we had a Policy and had voted against rezonings on the north side; that situations and times change, and we need a Plan, and the Council had five in front of them, and he thought they should be considered; that Plan C makes as much sense as any of them; that the problem won't go away; that east of Gunbarrel would not have been commercial five years ago. Councilman Lively stated that situations do change, and he personally thought we should adopt one of these Plans; that this would not go away; that it was not desirable for residences and there comes a time to take action.

Councilman Franklin asked what effect these plans would have on the Ashwood Subdivision and the Pinewood Rd. area. Mr. Bennett responded that Ashwood was considerably east down Shallowford and not directly affected; that the property on the east side is the most impacted; that they had tried to come up with a Plan where the impact would be negligible; that everyone accepts some change in the area and the compromise was trying to find some reasonable development for the area that would not be at the expense of the integrity of the residential area to the east.

**AT THIS POINT A 10 MINUTE RECESS WAS TAKEN.**

**(Councilman Hakeem left the meeting at this point.)**

When the meeting reconvened Chairman Crockett acknowledged that we had heard from Planning and there had been questions from the Councilmembers, and it was now time for those in the audience who wished to comment on the Plan to do so. He stated that it was his intention to let all who wished to speak to have that opportunity, and he asked that those speaking be mindful of that and keep their remarks as brief as possible.

**Mr. Don Whaley of 2319 Gunbarrel Rd.** spoke first. He stated that he had lived here since 1962 and would speak to his situation. He stated that all four plans that had been discussed called for him to be zoned for office; that if this is zoned for office and he tried to sell as residential, no one would want to buy his property; that because of his disability, he would have to move; that there was nothing for him in these plans; that he had a one acre lot and once it became office-zoned, he could not have a driveway off Gunbarrel. He said at the last meeting it was said that if this goes in, it would be irreversible for ten years, and this would kill him financially. He stated that Mr. Bennett had recommended looking at this area at the same time the Overall Study was done, and he thought that was a reasonable request; that everyone knew the best use was commercial, but it would not all be zoned commercial. He stated that he thought this would "cool" down, and he did not know who the applicant was that was bringing this up again.

**Mr. Bob Humble of 2307 Gunbarrel Rd.** spoke next. He stated that he had lived here since 1968. He noted that the proposed change could be O-1; that this would cut his property in half and would destroy his value unless some provisions were made; that Preston Circle was 150 ft. north of this drawing. He stated that he felt like the buffer zone would have to be adjusted.

**Ms. Sarah Cotton of Pinewood Drive** spoke next. She stated that she had lived on Pinewood Drive since 1941 and was concerned about the domino effect; that it would continue and all the houses would go up for sale on Pinewood Drive—that there would be a domino effect. She stated that she could not understand this; that she didn't live on Shallowford Rd. and could not understand making it commercial on that side to match the other side; that soon it would be down by the Turner Recreation Center on Shallowford Rd. She stated that Target's was awful, and it will keep going back further and further.

**Mr. Irvin Overton of 7417 Preston Circle** was the next speaker. He stated that he was on the east side of Gunbarrel Rd. and had been here for 14 years. He stated that he could not understand why we keep going back and forth on this; that times change and we have a boundary that is workable, and he questioned why we needed to change; that this was a strong neighborhood that was not overrun by commercial. He stated that he understood we have to grow the city and tax base but taxpayers have to be looked at also; that if we have a boundary line of some type on the north side, it might not be a situation that makes the most dollars, but it would be best for the neighborhood. He asked that the Council “go away and leave him alone and leave the boundary where it is”.

**Jack Vincent, President of the Ashwood Neighborhood Association,** spoke next. He stated that they did not wish to hold anyone hostage; that their community was east on Shallowford Rd.; that they had gone along with nursing homes and retirement homes and that was fine; that the Homeowners' Association had said “let's give a little bit on Shallowford Rd. and maybe it will keep it from going commercial”. He stated that the Planning Commission was making it impossible for people to live in the City of Chattanooga—that it is becoming just a place to work; that Planning had drawn this line and had worked with them and did value their neighborhood; that if this boundary remained it would send a signal as to how important neighborhoods are to the City. He stated that Chattanooga was a good place to live, and the City would be sending a message by what they did today; that Realtors were present today, and they would go to the community. He stated that he thought he had heard a couple of councilpeople say that Plan C offers a little bit to everybody, but they did not want it! He stated that he thought that RT-Z would soon become Office and Office would become Commercial and then all would go; that there would be no place for a good neighborhood. He urged not to cross over on this or we would all be hurt; that if they wanted people to stay within the City Limits, then make it possible to do so.

**Mr. Norman Smith, Chairman of the Coalition of Neighborhoods** was the next speaker. He thanked Mr. Bennett for his efforts in making the Study. He stated that he wanted to comment on the remarks made about traffic; that it seemed that it was felt that there was room to add more traffic to what already exists, and he did not think there was; that they were opening up Targets and Panera Bread which would contribute to the heavy traffic in the area; that Councilman Taylor had asked about the “jag” in commercial, and it was explained that there was something for everybody. He maintained that this was specifically for M-C Properties, and they were the only one who would get anything out of Plans C and D. He stated that they did not want this; that it would be of no benefit for anyone but an out-of-town developer, and there was no reason to open this up; that the present Policy has worked well and kept this Council from crossing the boundary. He urged to not bring commercial across Shallowford Rd., stating that he preferred Plan B. He asked that this be deferred until the bigger Study is done and again urged to not let commercial cross over.

**Ms. Sue Shaw of Mintom Drive** spoke next. She stated that she would like to make two little points; that they had worked hard for seven years fighting this; that there are approximately 700 units on this side including Mintom, Hamilton Run, Hamilton Cove, Ashwood, and Preston Circle. She reiterated about 700 units and a lot of them are new, and the people like to live here; that Alternative B would allow them to continue to live there; that these neighborhoods would continue to grow. She stated that she was in the Real Estate business and had had three people in Ashwood to ask her to do a market analysis because of fear that commercial would come across Shallowford Rd. She urged to not mistake the fact that this room was not packed with people to think that they don't care; that people could not be at all these meetings. She emphasized that the people did care.

**Mr. Donald Tawzer of 2519 Gunbarrel Rd.** was the next speaker. He stated that he represented the property owners who own this 75 acres; that he felt like he was “Daniel at the Furnace”. He stated that he would like to put a different “twist” on this; that everyone had come to know one another during this long process; that even after Phoenix, this still had not gone away. Mr. Tawzer noted that he had studied the Council minutes and videos of Council meetings and had looked at this from the inside-out approach; that the top priority was the preservation of neighborhoods and also we were dealing with traffic; that Councilman Eaves had said that the HomePlace was the worst thing, and he would not support anything dealing with the infrastructure. He stated that that was a little history as to what had brought us to this.

Mr. Tawzer noted that from Pinewood to Ashwood, the amount of traffic on Gunbarrel Rd. is three times what it was designed for. He noted that Gunbarrel Rd. was an easy access for semi-trailers; that in addition to the normal traffic, we have heavy traffic on Gunbarrel also. He stated that we were overlooking our problem now; that anything Planning comes up with will only add to this with “zero” information on how to solve this.

Mr. Tawzer stated that he had gone to ARCADIS and gave them this criteria including the neighborhood problem and traffic problem, and they had come up with a concept that was totally unique and different but would be workable. He stated that he wished ARCADIS was here today to make the presentation, but he did not know that they would have this opportunity today so he was making the presentation the best he could.

Mr. Tawzer stated that this was a new, fresh idea; that it would start with an intersection with a new road system to flow through this property and afford them to dead-end Gunbarrel at Pinewood. He stated that it would allow everything down Preston Circle to stay a residential neighborhood. He stated that they would want to have like zoning with buffers. He explained that on the North end of Gunbarrel Rd. would be RT-Z Zoning; that behind the RT-Z would be buffered for a new road; that the corner would be O-1, extending to Gunbarrel; that the only new traffic added to Gunbarrel would be from the RT-Z zone.

Mr. Tawzer stated that this gave us a Plan to look at that would be one big entity that would be controllable. He stated that this would also address traveling out towards Shallowford Rd. towards Drake Forest, commenting on what it would be like when Drake Forest was involved. He pointed out that the commercial development would be along the Interstate.

Mr. Tawzer handed out a packet that was prepared by ARCADIS, and is made a part of this minute material, and directed attention to Pages 6, 7, and 8. He noted that point by point there was a discussion on the Goals and Principles and how this Plan meets the Goals with a new road in there where the cost could be shared by Federal and State money and would put Gunbarrel Rd. to rest forever. He noted that the road system would be a continuation of Hamilton Place Boulevard. He stated that he thought this Plan was new and unique and the most progressive. He noted that it met his neighborhood’s first concern and dealt with residents who have property they wish to sell. He noted that this would take a lot of pressure off of the Council and give us one big entity to look at.

Councilwoman Rutherford asked the cost of the road?

Mr. Tawzer responded that the development cost to get the raw land would cost from \$9 to \$10 million dollars; that the road figure would be \$5 to \$6 million. He stated that his goal at this point was to invite the Councilmembers and Planning to meet with ARCADIS to go over this; that he thought \$6 million might be given through State and \$2 million through Federal money, leaving \$4 million dollars to be shared between developers and the City; that he thought the City's share might be \$1 ½ to \$2 million dollars. Mr. Tawzer stated that he knew this was a broad statement.

Chairman Crockett asked if Mr. Tawzer had discussed the traffic with our Traffic Engineering people yet. Mr. Tawzer stated that he had not had this opportunity; that he thought a discussion needed to go on between ARCADIS and the City; that he would like to see more thought given to peak hour loads as opposed to daily trips.

**Attorney John Anderson of Grant, Konvalinka, and Harrison** spoke next. He stated that he was speaking on behalf of the property owners at Napier and Shallowford Rd. He stated that times change and boundaries change, looking at Bond Terrace and Igou Gap Rd.; that this Council requested a Plan for Jarnigan Rd. for another developer. He noted that this started in 1982; that the tremendous residential growth has been a result of the tremendous growth in commercial; that Hamilton Place opened in 1987 and spurred this residential growth. He stated that Alternative C was a reasonable alternative with maximum protection to the residents; that C does provide what was done at Jarnigan Rd. and Igou Gap Rd. and feathers back. He questioned whether we had a workable boundary now. He noted that the Planning Commission and Staff had gone through this and that Planning had received kudos and compliments; that there was an interest and incentive in office development, and this would blend the community with commercial; that he had seen this done in other cities where there is a blending from commercial to office to RT-Z and then residences in a "seamless fashion". He encouraged the Council to do what they thought was appropriate and he urged Plan C.

At this point Chairman Crockett stated that the Highway 153 Zoning had been mentioned, and he wanted to speak for the record. He stated that we understood what is common and what is different about zoning. He explained that there was a church on the property and manufacturing zone but the rest of the tract was largely vacant and that it was a big eyesore and all of the front was zoned C-2 and the rest of the property was hodgepodge with manufacturing, mobile homes, duplexes, and R-1. He pointed out that there was no neighborhood opposition at the Planning Commission meeting nor at the City Council meeting except from two people on Winding Lane and the only issue there was price and this was resolved by the developer. He stated that he did not think there was any comparison easily drawn between the two cases, and he hoped he had made his point.

**Councilman Eaves responded “on a two-lane road” and moved for adoption of Zoning Alternative C.**

Chairman Crockett responded that it was anything but a two-lane road; that it was significantly wider than Shallowford Rd. and could be eight lanes if they needed it to be.

Chairman Crockett recognized that there was a motion to adopt “C” and send “C” on to the Council.

Attorney Nelson explained that it has to go to the Council for a vote; that this is just a recommendation.

Councilman Eaves stated that of course it has to go to the Council in a formal meeting; that everyone knows that.

**Councilman Franklin seconded Councilman Eaves’ motion.**

Councilwoman Rutherford asked if it would take five votes to pass this motion. Attorney Nelson responded that it would just have to be the majority of the committee. Chairman Crockett asked if this meant four votes to send it forward.

Councilwoman Hurley stated that this goes forward as a recommendation that we would be reflecting the will of the people here; that this is the “backroom” and our committee structure is informal; that she would suggest that it would be like a vote expressing where this is going at this time and the actual vote would be taken in two weeks.

Councilwoman Rutherford asked if the vote tonight passes forward only “C”, will all five versions go to the Council regardless. Councilwoman Hurley responded that the others would go unrecommended.

Attorney Nelson stated this would come before the Council on October 17<sup>th</sup>; if voted on tonight, it would come with the recommendation from committee that C be adopted; that if it is turned down tonight, all alternatives will come to the Council without a recommendation. Councilwoman Hurley added that all would be send forward, with Chairman Crockett adding that we could even have 18 of them! Councilwoman Hurley added that we would have a Resolution including all of these options, and if this passes (Motion for Option C), this one will be recommended, but all of the options will come before the Council. Councilman Crockett reminded Councilwoman Hurley, at this point, that he was Chairman and would chair this discussion.

Councilman Taylor asked that once we adopted an option, would this be our Zoning Guide? Mr. Bennett responded that it was the recommendation from the Staff that the rezoning be adopted so that there could be conditions, and we could have some control; that it could be considered adopting as a Policy, but they recommended a zoning change.

Councilman Lively stated that if the majority of this committee does not recommend "C", then we would need to vote on sending the entire package, then it would go forward to the Council that it came from the committee.

Chairman Crockett noted that we had said earlier in the evening that we could send any of these three Plans that had been discussed back for further work or send them forward as they were; that we have the option to send them back for further work and study.

Councilwoman Hurley assured Chairman Crockett that she was not taking over; that this was an unusual committee meeting; that this was a zoning issue, and we do not have a committee to hear zoning issues; that she had asked for this committee meeting because this was a more complicated matter than the average zoning case, and we had no Staff recommendation; that we could go forward with this vote, and if it prevails, it would tell the Council, as a body, that we support Option "C"; that the other options would still be before us legally.

Councilwoman Rutherford stated that she thought this was an information gathering meeting; that she was not prepared to vote and would "pass" if this motion remains on the floor; that she would not vote tonight and did not think it was appropriate to vote.

Councilman Eaves stated that he was not trying to push anything on anybody, and he withdrew his motion, with Councilman Franklin withdrawing his second.

The meeting adjourned at 7:00 P.M.

